

Advertised: **October 15, 2020**

NCDOT OFFICE OF CIVIL RIGHTS

REQUEST for LETTERS of INTEREST (RFLOI)

2020 Office of Civil Rights Limited Services Contract

TITLE: 2020 Office of Civil Rights LSC

USING AGENCY: North Carolina Department of Transportation
OFFICE OF CIVIL RIGHTS

ISSUE DATE: October 15, 2020

SUBMITTAL DEADLINE: November 16, 2020

ISSUING AGENCY: North Carolina Department of Transportation
Office of Civil Rights

SYNOPSIS

The North Carolina Department of Transportation (NCDOT) Office of Civil Rights (OCR) provides oversight and administration of the NCDOT through some of the following programs and activities: Disadvantaged Business Enterprise (DBE) Certification, DBE Utilization and Compliance, Business Opportunity & Workforce Development (BOWD), and On-the-Job Training (OJT).

These programs each provide education, training, outreach, engagement, supportive services, complaint investigations, and technical assistance to promote equity, inclusion, business development, workforce development and ensure compliance with federal, state and local laws, and regulations. These functions and services funded by federal and state dollars are offered to both internal and external stakeholders statewide. At times, OCR must strategically augment its staff through the hiring of consultants to perform these functions and offer these services due to lack of capacity.

Specific examples of augmenting these functions, include:

1. Assist BOWD with project managing the Business Development or Mentor Protégé Program;
2. Assist OCR Division with developing federal and state reporting templates, which may include collaboration with NC Department of Information Technology – Transportation Section;
3. Assist DBE Compliance and Utilization with external and internal trainings including contractor compliance, goal setting and supplier development;

4. Assist DBE Certifications with conducting an audit to identify fraud/abuse of firms participating in the DBE Certification Program; and
5. Assist OJT with providing oversight and administration of statewide Highway Construction Trades Academies.

Prospective consultants should be familiar with 49 CFR Parts 26 and 23, Title VI and Title VII of the Civil Rights Act of 1964, Americans with Disability Act of 1990, Title 23 CFR Part 230, and NCDOT's major business units who OCR supports including: Aviation, Division of Highways, Construction, Rail, Professional Services, Department of Motor Vehicles, Public Transit, Transportation Planning, Purchasing, Ports and Ferry.

The OCR may select multiple teams of consultant(s) and subconsultant(s) to assist with fulfilling the needs of the unit and NCDOT, which will be statewide.

REGISTRATION AND INSURANCE

Except as provided below any firm wishing to be considered must be properly registered with the Office of the Secretary of State. Any firm proposing to use corporate subsidiaries or subcontractors must include a statement that these companies are properly registered. If Engineers are performing the work and are in responsible charge of the work, they must be registered Professional Engineers in the State of North Carolina and must have a good ethical and professional standing. It will be the responsibility of the selected private firm to verify the registration of any corporate subsidiary or subcontractor prior to submitting a Letter of Interest. Firms which are not providing engineering services need not be registered with the North Carolina Board of Examiners for Engineers and Surveyors. Some of the services being solicited may not require a license. It is the responsibility of each firm to adhere to all laws of the State of North Carolina.

The firm must have the financial ability to undertake the work and assume the liability. The selected firm(s) will be required to furnish proof of Professional Liability insurance coverage in the minimum amount of \$1,000,000.00. The firm(s) must have an adequate accounting system to identify costs chargeable to the project. Evidence of an acceptable accounting system may be audited prior to official award.

ASSURANCE OF NONDISCRIMINATION

The North Carolina Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all RESPONDENTS that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit LETTERS of INTEREST (LOIs) in response to this ADVERTISEMENT and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

SCOPE OF WORK

The tasks to be performed within this assignment include but are not limited to:

1. Assist OCR in fulfilling federal, state and local requirements for programs and activities under OCR oversight and administration for NCDOT, including DBE Certifications, DBE Utilization and Compliance, BOWD, and OJT.
2. Assist OCR with providing supportive services under BOWD and OJT Programs. Supportive services may include, but not be limited to, training and education, technical assistance, outreach and/or engagement.
3. Assist OCR with the development, implementation and facilitation of the Business Development Program and Mentor Protégé Program, which may require strategic planning and coordination with other NCDOT business units, its agents, contractors, subcontractors, consultants, subconsultants, community organizations and/or other partners.
4. Assist OCR and the Department with policy research, development, and implementation regarding the DBE Program or other policies and processes impacting small, disadvantaged, minority and women owned businesses.
5. Assist OCR with developing and providing education and training to internal and external stakeholders on topics to include, but not be limited to:
 - a. Marketing;
 - b. Technical/Legal Contracts/NCDOT Specifications;
 - c. Finance;
 - d. Project Management;
 - e. Organizational Development;
 - f. Equal Opportunity Contractor Compliance; and
 - g. Contract by contract goal setting of NCDOT's multi-modes, including, but not limited to, Divisions of Highway, Rail, Aviation, Ports, Ferry, and Transit.
6. Assist OCR in providing monitoring and compliance with laws and regulations of programs and activities under oversight and administration of OCR. This includes, but is not limited to, DBE Certifications, DBE Utilization and Compliance, BOWD, and OJT. As an example, assist OCR with conducting an audit to identify fraud/abuse of firms participating in the DBE Certification Program.
7. Assist OCR in providing statistical analysis and report development for various programs and activities conducted by DBE Certifications, DBE Utilization and Compliance, BOWD, and OJT.
8. Assist OCR with outreach and engagement to internal and external stakeholders.
9. Assist OCR with developing mobile-friendly/web-based electronic forms to help with compliance reviews, field assessments, on sites or other programs and activities conducted by DBE Certifications, DBE Utilization and Compliance, BOWD, and OJT.

The programs and activities listed above are not exhaustive, and during the course of any given contracting period, requests might be made for assistance with additional tasks, and qualifications of consultant(s) and subconsultant(s) will be evaluated. This *may* require a consultant(s) to source additional subconsultant(s).

Teams of consultant(s) and subconsultant(s) who are qualified and have the ability to provide all or any possible combination of services required under the LSC are strongly encouraged. The chosen consultant(s) and subconsultant(s) will work with the OCR staff on a task order basis to

fulfill the needs of the unit and NCDOT as dictated by program funding and need for Division staff augmentation to deliver the workload.

Consultant(s) and Subconsultant(s) must comply with federal, state, and local requirements in fulfilling any tasks under the LSC.

PROPOSED CONTRACT TIME: TWO (2) YEARS; RENEWABLE UP TO THREE (3) TIMES, ONE YEAR EACH.

PROPOSED CONTRACT PAYMENT TYPE: The contract payment type shall be **LUMP SUM OR COST - PLUS AGAINST A CONTRACT MAXIMUM**, varying per Task Order and based on the scope of work and other factors as appropriate, and as agreed between the consultant and the NCDOT.

OPTIONAL PRE-PROPOSAL MEETING

An “attendance optional” Pre-Proposal meeting is scheduled for **OCTOBER 29, 2020 AT 11 AM** via Microsoft Teams. Firms are strongly encouraged to attend the Pre-Proposal meeting. NCDOT will provide project background information at the pre-proposal meeting and answer questions, which may result in the issuance of an addendum to this solicitation. **In advance of the meeting, please send an email with your name and email address to pobroadwater@ncdot.gov to receive an invite to this meeting.**

SUBMITTAL REQUIREMENTS

Firms will be required to submit **two** separate pdf packets at the time of submittal to be considered responsive.

- Packet 1 must **only** include the following:
 - LOI that conforms with the requirements of this solicitation
 - RS-2 Forms, if applicable
- Packet 2 must include the following:
 - The Firm’s proposed rates and supporting documentation, including previously billed invoices or certified payroll that support the proposed rate for each person who is anticipated to participate on the contract; and
 - The Firm’s Certificate of Insurance.

All LOIs are limited to **FIFTEEN (15)** pages, inclusive of the cover sheet, and shall be typed on 8-1/2” x 11” sheets, single-spaced, one-sided.

LOIs containing more than FIFTEEN (15) pages will not be considered.

ONLY ELECTRONIC LOIs WILL BE ACCEPTED.

Packet 1 and Packet 2 should be submitted in .pdf format using software such as Adobe, CutePDF PDF Writer, Docudesk deskPDF, etc.

Packet 1 and Packet 2 should be sent as separate .pdf files, **through NCDOT's File Transfer System (FTS)** to Pandora Broadwater at pobroadwater@ncdot.gov. The FTS will send you an electronic receipt when your LOI is **uploaded** to NCDOT's FTS. Paper copies are not required. The subject line should contain the Firm's Name, and **"LOI for 2020 Office of Civil Rights LSC"**.

If an interested firm does not have an FTS account, they should send a request through regular e-mail to pobroadwater@ncdot.gov. A response will be sent via the FTS system that will provide a login username, password, and login procedures.

Packets SHALL be received electronically no later than 12:00 P.M. EST, NOVEMBER 16, 2020.

Packets received after this deadline will not be considered.

Firms submitting LOIs are encouraged to carefully check them for conformance to the requirements stated above (and any other requirements in this Advertisement). If LOIs are submitted late, exceed the maximum number of pages, are sent by any means other than NCDOT's FTS system, or are sent to any NCDOT FTS recipient's email address other than pobroadwater@ncdot.gov, they will be disqualified.

The Department reserves the right to reject all LOIs and not proceed with procurement.

The Department reserves the right to waive any technicality in LOIs, or notify the Firm(s) of such technicality and allow the Firm(s) up to two (2) business days to rectify the technicality.

All correspondence and questions concerning this **RFLOI** should be directed to **Pandora Broadwater** at pobroadwater@ncdot.gov.

IF APPLICABLE, questions may be submitted electronically only, to the contact above. Responses will be issued in the form of an addendum available to all interested parties. Interested parties should also send a request, by email only, to the person listed above to be placed on a public correspondence list to ensure future updates regarding the RFLOI or other project information can be conveyed. Questions must be submitted to the person listed above no later than **5:00 P.M. EST, NOVEMBER 9, 2020**. The last addendum will be issued no later than **NOVEMBER 12, 2020**.

NOTE: To adhere to the Timeframe, a Notice to Proceed is expected to be issued shortly after (a) firm(s)/team(s) is/are selected. All firm(s)/team(s) submitting a LETTER OF INTEREST should make sure that their rates and overheads are current and have been audited by NCDOT.

SELECTION PROCESS

The following is a general description of the selection process:

A Selection Team will be convened to evaluate proposals received in Packet 1 in accordance with the schedule and evaluation criteria stated in this RFLOI. The Selection Team will rank the consulting candidates (firms, teams and/or individuals), and will short list a group of finalists for a personal interview which will provide most qualified consultant(s) for each Task or group of tasks.

If a firm is selected, Packet 2 will be reviewed by the Selection Team and Project Manager to engage in negotiations with the most qualified consultant(s) firm, based on a thorough and detailed scope of services, and will reach agreement on terms and fees for professional services valid for the period of engagement. In the event an agreement cannot be reached, the Selection Team reserves the right to terminate negotiations with that consultant and will commence negotiations with the next most qualified consultant. All contracts will be negotiated on a lump sum or cost plus against a contract maximum basis, as determined by the NCDOT.

The Selection Team may, at the Department's discretion, choose any number of firms to provide the services being solicited. Selection of any firm and/or team is subject to the approval of the North Carolina Department of Transportation. Prior to engagement, confidentiality agreements must be executed by the selected firm, all participating staff, and any sub-consultants.

SMALL PROFESSIONAL SERVICE FIRM (SPSF) PARTICIPATION

The Department encourages the use of Small Professional Services Firms (SPSF). Small businesses determined to be eligible for participation in the SPSF program are those meeting size standards defined by Small Business Administration (SBA) regulations, 13 CFR Part 121 in Sector 54 under the North American Industrial Classification System (NAICS). The SPSF program is a race, ethnicity, and gender-neutral program designed to increase the availability of contracting opportunities for small businesses on federal, state or locally funded contracts. SPSF participation is not contingent upon the funding source.

The Firm, at the time the Letter of Interest is submitted, shall submit a listing of all known SPSF firms that will participate in the performance of the identified work. The participation shall be submitted on the Department's Subconsultant Form RS-2. RS-2 forms may be accessed on the Department's website at NCDOT Connect Guidelines & Forms.

The SPSF must be qualified with the Department to perform the work for which they are listed.

PREQUALIFICATION

The Department maintains on file the qualifications and key personnel for each approved discipline, as well as any required samples of work. Each year on the anniversary date of the company, the firm shall renew their prequalified disciplines. If your firm has not renewed its application as required by your anniversary date or if your firm is not currently prequalified, please submit an application to the Department prior to submittal of your LOI. An application may be accessed on the Department's website at Prequalifying Private Consulting Firms -- Learn how to become Prequalified as a Private Consulting Firm with NCDOT. Having this data on file with the Department eliminates the need to resubmit this data with each letter of interest. Prequalification is not a requirement for this contract.

Professional Services Contracts are race and gender neutral and do not contain goals. However, the Respondent is encouraged to give every opportunity to allow Disadvantaged, Minority-Owned and Women-Owned Business Enterprises (DBE/MBE/WBE) subconsultant utilization on all LOIs, contracts and supplemental agreements. The Firm, subconsultant and subfirm shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract.

DIRECTORY OF FIRMS AND DEPARTMENT ENDORSEMENT

Real-time information about firms doing business with the Department, and information regarding their prequalifications and certifications, is available in the Directory of Transportation Firms. The Directory can be accessed on the Department's website at Directory of Firms -- Complete listing of certified and prequalified firms.

The listing of an individual firm in the Department's directory shall not be construed as an endorsement of the firm.

SELECTION CRITERIA

All firms who submit responsive letters of interest will be considered.

In selecting a firm/team, the selection committee will take into consideration qualification information including such factors as:

1. **40%** = The firm's knowledge and experience relating to transportation industry programs and activities regularly implemented by OCR, including but not limited to: DBE, BOWD, and OJT; business development, mentor protégé, contractor compliance, goal setting, disparity studies, and policy development.
2. **30%** = The prospective consultant and subconsultant's experience developing and implementing/delivering education, training, outreach, engagement, and technical assistance.
3. **10%** = The firm's demonstrated ability to meet commitments.
4. **10%** = The firm's documented capabilities of professional personnel and demonstrated experience, proven record of success on similar projects, proof of ethical performance and professional integrity.
5. **10%** = The firm's documented partnerships with community organizations and institutions of higher education; and ability to effect a productive relationship with majority and minority contractors, contractors' associations, minority groups, and other persons or organizations whose assistance will increase the opportunities for minority business enterprises to compete for and perform contracts and subcontracts.

SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS

The LOI should be addressed to **Pandora Broadwater, Program Assistant, for Office of Civil Rights** and must include the name, address, telephone number, and e-mail address of the prime consultant's contact person for this RFLOI.

The LOI must also include the information outlined below:

Chapter 1 - Introduction

The Introduction should demonstrate the consultant's overall qualifications to fulfill the requirements of the scope of work and should contain the following elements of information:

- Expression of firm's interest in the work;
- Statement of whether firm is on register with the NC Secretary of State;

- Statement regarding firm's(') possible conflict of interest for the work; and
- Summation of information contained in the letter of interest.

Chapter 2 - Team Qualifications

This chapter should elaborate on the general information presented in the introduction, to establish the credentials and experience of the consultant to undertake this type of effort. The following must be included:

1. Identify, at a minimum, three (3) recent projects (services of similar size and scope to the services sought via this LOI). Provide a synopsis of each project and include the date completed, along with a contact name and title, telephone number and email address.
2. If subconsultants are involved, provide corresponding information describing their qualifications as requested in bullet number 1 above.

Chapter 3 - Team Experience

This chapter must provide the names, classifications, and location of the firm's employees and resources to be assigned to the advertised work; and the professional credentials and experience of the persons assigned to the project, along with any unique qualifications of key personnel. Although standard personnel resumes may be included, identify pertinent team experience to be applied to this project. Specifically, the Department is interested in the experience, expertise, and total quality of the consultant's proposed team. If principals of the firm will not be actively involved in the study/contract/project, do not list them. The submittal shall clearly indicate the Consultant's Project Manager, other key Team Members and his/her qualifications for the proposed work. Also, include the team's organization chart for the Project / Plan. A Capacity Chart / Graph (available work force) should also be included. Any other pertinent information should also be listed in this section.

Note: If a project team or sub consultant encounters personnel changes, or any other changes of significance dealing with the company, NCDOT should be notified immediately.

Chapter 4 - Technical Approach

The consultant shall provide information on its understanding of, and approach to accomplish, this project, including their envisioned scope for the work and any innovative ideas/approaches, and a schedule to achieve the dates outlined in this RFLOI (if any project-specific dates are outlined below). Consultants and subconsultants must include in their proposal(s) how they intend to collaborate with community stakeholders and institutions of higher education to complete the scope(s) of work. Consultant(s) and/or subconsultant(s) also may be required to deliver trainings, education, outreach, and engagement through virtual delivery and should provide documented ability to fulfill this need should it become necessary.

SUBMISSION SCHEDULE AND KEY DATES

RFLOI Release – **October 15, 2020**

Pre-Proposal Meeting – **October 30, 2020**

Deadline for Questions – **November 9, 2020**

Issue Final Addendum – **November 12, 2020**

Deadline for LOI Submission – **November 16, 2020**

Shortlist Announced * - **TBD**

Interviews - the week of **November 30, 2020**

Firm Selection and Notification ** - **TBD**

Anticipated Notice to Proceed – **January 4, 2021**

* Notification will **ONLY** be sent to shortlisted firms.

** Notification will **ONLY** be sent to selected firms.